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3731/4

Serial No.: 10/569,021
Attorney Docket No.: 2G02.1-082 1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: LeVAUGHN et al.)	
)	Conf. No.: 9120
Serial No.: 10/569,021)	
)	Group Art Unit: 3731
Filed: February 17, 2006)	
)	Examiner: unassigned
For: BLOOD SAMPLING DEVICE)	
)	

**PETITION TO ACCEPT SIGNATURE BY CO-INVENTOR ON BEHALF OF INVENTOR
WHO REFUSES TO JOIN IN APPLICATION OR CANNOT BE REACHED
(37 C.F.R § 1.47(a))**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

GARDNER GROFF
SANTOS & GREENWALD, P.C.
2018 Powers Ferry Road
Parkwood Point, Suite 800
Atlanta, Georgia 30339

December 5, 2006

This is a Petition under 37 C.F.R §1.47(a) to accept signature of the Declaration by joint inventors on behalf of Mitchell A. Solis, a non-signing joint inventor who cannot be found or reached after diligent effort.

This Petition is accompanied by the \$130 fee set forth in 37 C.F.R §1.17(h). The Commissioner is authorized to charge any additional fees due or credit any overpayment to Deposit Account 50-1513.

12/08/2006 CNGUYEN2 00000051 10569021

01 FC:1464

130.00 OP

The Declaration signed by the available joint inventors is enclosed, with the signature line for the non-signing inventor left blank, and is to be treated as having been signed by the available joint inventors on behalf of the non-signing inventor. MPEP §409.03(a)(A).

The last known address for the non-signing joint inventor is:


Mitchell A. Solis
1975 Lexington Lane
Cumming, Georgia 30004

The following statement and attachments provide proof of the pertinent facts supporting this Petition:

- (1) On November 8, 2006, the undersigned, acting as counsel for the assignee of this application, forwarded a copy of the application to the non-signing joint inventor, Mitchell A. Solis, along with an inventors' declaration for signature by Mr. Solis. A copy of the correspondence forwarding these materials, along with tracking information from FedEx regarding delivery of the correspondence is attached as Attachment 1 hereto.
- (2) In addition to the written communication, our office has attempted on numerous occasions to contact Mr. Solis by telephone, leaving numerous voicemails requesting a call back. These calls to Mr. Solis have not been returned.
- (3) To date, none of our attempts to reach Mr. Solis and obtain his signature have been successful.

Being warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. §1001), and may jeopardize the validity of the application or any patent issuing thereon, all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.

Respectfully submitted,

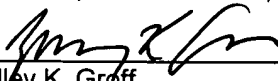


Bradley K. Groff
Registration No. 39,695

Customer No.: 23506
GARDNER GROFF SANTOS & GREENWALD, P.C.
2018 Powers Ferry Road
Parkwood Point, Suite 800
Atlanta, Georgia 30339
Tel: 770/984-2300
Fax: 770/984-0098

Certificate of Mailing (37 C.F.R. §1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Bradley K. Groff

12/5/2006

Date

ARTHUR A. GARDNER
BRADLEY K. GROFF
JOHN W. GREENWALD
DANIEL J. SANTOS

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PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED MATTERS EXCLUSIVELY

JOHN M. HARMAN*
MICHELLE E. KANDCER
LAWRENCE D. MAXWELL
LAWRENCE A. VILLANUEVA, PH.D.
JOSEPH W. STALEY

* OTHER BARS ONLY



November 8, 2006

Mitchell A. Solis
1975 Lexington Lane
Cumming, Georgia 30004

Via Federal Express
Tracking #: 8526 1666 5546

Re: U.S. National Phase Patent Application for
BLOOD SAMPLING DEVICE
Serial No.: 10/569,021
Filing Date: February 17, 2006
Our File No.: 2G02.1-082 1


Dear Mitch:

Enclosed is a Declaration for the above-identified U.S. patent application, which you worked with while at Facet. A copy of the application is enclosed for your review prior to executing the document.

Please sign and date the Declaration where indicated and return it to me for filing with the Patent Office. For your convenience, I have enclosed a stamped return envelope to return the signed document to me.

Thank you in advance for your assistance. Please give me a call if you have any questions or concerns.

Very truly yours,


Bradley K. Groff
For the Firm

BKG:rjh
Enclosure



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2602. - JOURNAL

To Recipient's Name
Mitchell A. Solis

Phone 618, 455-4359

Company

Recipient's Address 1975 Lexington Lane

Address

—

City Cumming State GA ZIP 30004

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